

From: Cuny, David(a)DSS
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:18pm
Subject: Microsoft Settlement

I'm writing this e-mail in response to the Proposed Final Judgement (United Stated v. Microsoft). I'm especially concerned about the use of the terms "Middleware", "API", and "Operating System Product".

Historically, Microsoft has shown that it will go to great lengths to comply with the letter of the law, while completely ignoring the intent. An obvious example was the release of version of without IE. Other examples include embedding and spreading the IE API calls throughout the Windows DLLs, and renaming "Applications" to "Operating System components".

The current definitions of "middleware", "API", and "Operating System Product" make it trivial for Microsoft to sidestep the law by making minor changes in their product, or by simply redefining what the product is. For example, by changing product version numbers or how they distribute middleware, Microsoft can completely sidestep any remedy which addresses middleware.

There are many other issues I have - such as not releasing file formats - but I have chosen to focus on these features to highlight my concern that the remedy proposed against Microsoft is essentially toothless and easily sidestepped.

Thank you.

David Cuny